Remarks

Applicant respectfully requests reconsideration of the rejections in this Application.

Upon entry of the foregoing amendment, claims 1-20 are pending in the application, with claims 1, 7, 8, 14 and 16 being the independent claims.

Claims 7 and 9 have been amended to eliminate labeling errors noted by the Examiner and during further review of the claims. The assistance of the Examiner in pointing out the error in claim 7 is noted with appreciation. These amendments merely correct obvious typographical errors and entry after final rejection is therefore appropriate.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejection under 35 U.S.C. § 102

Claims 1-10, 12-14 and 16-18 were rejected based on U.S. Patent 6,192,340 to Abecassis. This rejection is respectfully traversed, and reconsideration is requested based on the amendments above and the following analysis.

The assertions in the Official Action regarding the disclosure of Abecassis are respectfully traversed. The pending independent claims each recite that a playlist file is generated in a media server and transmitted to a multimedia device.

The cited portions of Abecassis disclose manual or automated playlist functions. However, the playlist is created in the multimedia device rather than being generated at

the media server in response to user selection of clips, and then (for example) transmitted to a multimedia device to be parsed for file retrieval.

In the most recent Action, the Examiner cites col. 27, lines 41-52 as teaching "that the playlist can be generated both locally or remotely." Office Action, page 8. Applicant's representatives have reviewed the passage cited by the Examiner, and find that it teaches exactly the opposite of what was asserted.

The cited passage begins "[o]nce audio/info content is selected....the appropriate user preferences are communicated to the provider 931." This clearly teaches the transmission of "user preferences," such as the playlist, from the multimedia device to the provider. The described online retrieval functions obviously occur *after* the generation of a playlist in the local device and the transmission of those preferences to the online provider. This interpretation is confirmed at col. 27, lines 44-49: "The provider then applies the user's preferences, interleaves and sequences the audio and information, and produces a seamless transmission of sequenced and interleaved audio and information that is responsive to the user's preferences and which is played 932."

Thus, this passage of Abecassis describes conventional local playlist generation, and teaches away from the idea of remote generation of a playlist. Reconsideration of the pending rejection is appropriate since the cited passage fails to specifically disclose or suggest the noted feature. Each of the pending independent claims recites generation of a playlist in a media server, and this feature is not disclosed or suggested in any of the references relied upon in the Office Action.

The feature of generating a playlist data file at the server and transmitting it to the multimedia device facilitates a variety of advantages of the present invention, particularly including the ability to deploy multimedia devices with extremely limited

interfaces and computing power. As disclosed in the specification, these devices offer various choices to users through a display interface generated by a connected media server, such as an HTTP, WML or other browser-type interface. The user thus relies on the computing and menu generation power of the server to select the desired clips. Then, the server generates a playlist data file and transmits it to the multimedia device. The multimedia device uses file definition data in the playlist file to retrieve the desired clips in order from identified storage locations on the network.

The assertions in the Official Action regarding the dependent claims are also respectfully traversed, but will not be addressed in detail since these claims are patentable based on the features recited in the base claims, as well as their individual distinguishing features that are novel in the recited context.

Rejection under 35 U.S.C. § 103

Claims 11, 15, and 19-20 were rejected as unpatentable based on the combination of Abecassis and U.S. Patent 6,256,623 to Jones.

The pending independent claims (as amended) each recite that a playlist file is generated in a media server and transmitted to a multimedia device. In preferred embodiments recited in dependent claims 11, 15, and 19, the playlist uses a markup language, for example, XML.

The Jones reference merely discloses the use of XML in an Internet environment. However, like the base Abecassis reference, Jones does not teach or suggest the generation of a playlist file in a media server and transmission of the playlist to a multimedia device. Therefore, the combination of Jones with Abecassis does not remedy the essential deficiency of Abecassis with regard to the claimed operation. Further, there

is no suggestion in Jones that a playlist generated in a media server from user selections at a multimedia device, in particular, should be transmitted in a markup language, for example XML. Neither Jones nor Abecassis suggests this type of operation; they are similarly silent on how such an operation might be implemented.

Applicant has found that the use of a markup language offers particular advantages in the claimed context, for the particular purpose of transmitting a playlist to a multimedia device. Again, the use of a markup language (such as XML) in this context is not suggested by either of the references cited in this rejection. Nor is there any specific motivation in either of these references to generate and transmit a playlist in markup language format at a media server and transmit it to a multimedia device for use by that device in retrieving clips. Therefore, this combination of references does not provide a prima facie case of obviousness as to the rejected claims.

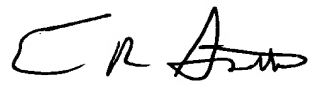
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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